

Appl. No. 10/562,338  
Response to Office Action mailed October 25, 2006

RECEIVED  
CENTRAL FAX CENTER  
FEB 23 2007

R E M A R K S

The Examiner is respectfully requested to return a copy of the Form PTO/SB/08A filed on December 23, 2005 and to indicate thereon that the cited publications were considered and made of record.

The following was stated on page 2 of the Office Action:

"This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. Under PCT rules, Applicant is entitled to one invention per permissible category - for instance, one process and one apparatus, or one product, process of making said product and use of said product. Two products, two uses, etc., are not permitted.

The species are as follows:

Group I - Alternate lattice arrangements:

- A. The embodiment according to Fig. 1.
- B. The embodiment according to Fig. 2.

Group II - Alternate ways of achieving differential Pu weight while maintaining same Pu content:

- a. Decreasing the density of the MOX fuel pellet.
- b. Forming the MOX fuel pellet into a hollow pellet.
- c. Forming the MOX fuel pellet into a porous pellet."

Appl. No. 10/562,338  
Response to Office Action mailed October 25, 2006

The applicants were required, in reply to the Office Action, to elect a single species from each group to which the claims shall be restricted if no generic claim is finally held to be allowable.

The following was stated in item no. 3 on page 3 of the Office Action:

"The claims are deemed to correspond to the species listed above in the following manner:

Claim 6 - species a, b and c.  
Claim 7 - species b and c.  
Claim 8 - species A.  
Claim 9 - species B.

The following claims were deemed to be generic: Claims 1-5."

Applicants elect Species A (The embodiment according to Fig. 1) for Group I, and Species B (Forming the MOX fuel pellet into a hollow pellet) for Group II. Applicants confirm that claims 1 to 5 are generic and claims 1 to 8 are readable on the elected species I-A and II-b.

Appl. No. 10/562,338  
Response to Office Action mailed October 25, 2006

As noted at the top of page 3 of the Office Action, upon the allowance of a generic claim, applicants should be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

The following was stated in item no. 4 at the middle of page 3 of the Office Action:

"The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reason: Document WO 01/50477 discloses a MOX fuel assembly wherein a first and second set of MOX fuel rods have the same Pu enrichment, but differing weights. Additionally, the species as set forth above encompass multiple devices, which is not permitted under PCT rules."

Applicants have provided the undersigned with the following discussion concerning WO 01/50477.

Appl. No. 10/562,338  
Response to Office Action mailed October 25, 2006

It is respectfully submitted that applicants' claims are not anticipated or rendered obvious by WO 01/50447 for the following reasons.

WO 01/50447 discloses a MOX fuel assembly comprising a plurality of types of MOX fuel rods which are the same as each other with respect to Pu enrichment and different from each other with respect to the outer diameter of the rods. WO 01/50447 does not teach or suggest a difference in weight of the MOX fuel pellets, as recited in applicants' claims.

Even when fabricating plural kinds of MOX fuel rods according to applicants' claims, the manufacture process can be easily applied to the MOX fuel rods only by replacing a forming mold used in a pellet formation step by another mold of a different shape, or by adjusting the forming pressure. This results in the advantage that any increase in the manufacturing cost can be controlled to be a negligible amount without a vexatious preparation for plural kinds of cladding tubes, which have different outer diameters and corresponding spacer grids.

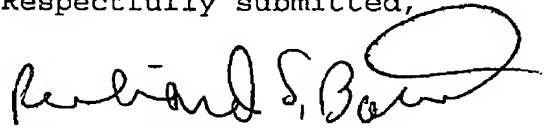
Appl. No. 10/562,338

Response to Office Action mailed October 25, 2006

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Frishauf, Holtz, Goodman  
& Chick, P.C.  
220 Fifth Ave., 16th Floor  
New York, NY 10001-7708  
Tel. Nos. (212) 319-4900  
(212) 319-4551/Ext. 219  
Fax No.: (212) 319-5101  
E-Mail Address: BARTH@FHGC-LAW.COM  
RSB/ddf

Respectfully submitted,



Richard S. Barth  
Reg. No. 28,180

Enc.: PETITION FOR EXTENSION OF TIME